

Clemmie Fleming - DIRECT

1 CLEMMIE FLEMING,

2 a black female called to testify as a witness by the State of
3 Mississippi, having first been duly sworn, testified as
4 follows, to-wit:

5 BY THE COURT: State your name, please.

6 BY THE WITNESS: Clemmie Fleming.

7 BY MR. EVANS: May I proceed, Your Honor?

8 BY THE COURT: Yes.

9 DIRECT EXAMINATION BY MR. EVANS:

10 Q. Good morning, Ms. Fleming.

11 A. Good morning.

12 Q. Ms. Fleming, I want you to speak loud so that
13 everybody over here in the jury can hear you; okay?

14 A. (Witness nods her head.)

15 Q. Do you remember the morning in July, July the 16th,
16 1996, where the four people were killed at Tardy's Furniture?

17 A. Yes, sir.

18 Q. Did you have an occasion to go to town that
19 morning?

20 A. Yes, sir.

21 Q. Tell the ladies and gentlemen of the jury why you
22 went to town that morning and about what time?

23 A. Because Ms. Tardy had kept calling my house, and I
24 supposed to be the one to pay on, you know, pay on my
25 furniture that morning. And I was pregnant, and I didn't
26 feel like getting out. So we had pulled up there in front of
27 Tardy's, and then I didn't get out. I told him to go in.
28 And the man I was with, he didn't get out. So we left.

29 Q. Who did you get to carry you to Tardy Furniture?

Clemmie Fleming - DIRECT

1 A. Roy Harris.

2 Q. And you were going there to pay on a furniture
3 bill?

4 A. Yes, sir.

5 Q. And why did you not get out?

6 A. I didn't feel like it.

7 Q. Okay, but I don't know -- I couldn't hardly hear
8 why you said that while ago. Why did you not feel like
9 getting out?

10 A. I was pregnant.

11 Q. And how far along were you?

12 A. Like five and a half months pregnant.

13 Q. Okay. So you didn't feel like getting out to pay
14 on your bill, so y'all drove on by?

15 A. Yes, sir.

16 Q. Which direction did you go from Tardy Furniture?

17 A. On the side of Tardy's like -- what is the name of
18 that street on the side? On the side of Tardy's?

19 Q. Is it Carrollton?

20 A. Carrollton Avenue.

21 BY MR. CARTER: I object.

22 BY THE COURT: Overruled.

23 BY MR. EVANS:

24 Q. All right, once you turned on to Carrollton, which
25 direction did you go then?

26 A. I went straight up like, straight up like you are
27 going toward Powell Street.

28 Q. Okay. Do you know a person by the name of Curtis
29 Flowers?

Clemmie Fleming - DIRECT

1 A. Yes, sir.

2 Q. Do you see him in the courtroom today?

3 A. Yes, sir.

4 Q. Would you point to him and identify him, please.

5 A. Right there.

6 BY MR. EVANS: May the record reflect that she
7 has identified the Defendant, Curtis Flowers?

8 BY THE COURT: Let the record reflect that.

9 BY MR. EVANS:

10 Q. Once you turned on to Carrollton Street, did you
11 see anyone?

12 A. I seen Curtis.

13 Q. You seen Curtis?

14 A. Yes, sir.

15 Q. Where did you see him?

16 A. Like it was a big tree. It was a big tree on the,
17 like on the left-hand side of the road, and I seen him right
18 there running right along up in there.

19 Q. All right, now you are going to need to speak a
20 little louder.

21 A. I seen him running right along up in there.

22 Q. You saw him running?

23 A. Yes, sir.

24 Q. Was he running towards or away from the direction
25 of Tardy's store?

26 A. Away from the store.

27 Q. And when you first saw him, about how far was he
28 away from the building of Tardy's?

29 A. Like 90 something feet.

Clemmie Fleming - DIRECT

1 Q. Okay. Now did anybody go back out there with you
2 to determine how far it was?

3 A. John Johnson.

4 Q. Okay. So he was about 90 feet from the store
5 running away from it when you first saw him?

6 A. Yes, sir.

7 Q. What brought your attention to Curtis Flowers that
8 morning?

9 A. I just seen him running, and I ain't never seen him
10 run like that.

11 Q. You ain't never seen him run like that?

12 A. I figured something was wrong.

13 Q. Can you describe how he was running?

14 A. I, say I guess like somebody was after him.

15 Q. And what made you think that?

16 A. The way he was running.

17 Q. How long had you known Curtis Flowers at that time?

18 A. I been knowing him because he like, he stayed down
19 the road from my mama's house. We ain't never stayed too far
20 from each other.

21 Q. Okay, so you have known him most of your life?

22 A. Yes, sir.

23 Q. Once you saw him running there, did you see which
24 direction he went from there?

25 A. We had turned the curve.

26 Q. Okay. What was the last point at that time that
27 you saw him running?

28 A. Going across the yard of the pink house.

29 Q. He was running across the yard where the pink house

Clemmie Fleming - DIRECT

is?

A. Yes, sir.

Q. Now is that pink house still there?

A. No, sir.

Q. Which direction did you go after you saw him running from the direction of Tardy's and running across that yard?

A. Like down Powell Street.

Q. Okay.

A. And then we went like on the highway.

Q. Did you have an occasion to see him again?

A. Yes, sir.

Q. Where did you see him at that time?

A. Like he fixing to cross the highway.

Q. About what time did you leave your house to go pay on your bill that morning?

A. About 10:00, something around to 10:00, about around 10:00 something.

Q. Somewhere around 10:00?

A. Yes, sir.

Q. About how long did it take you to get to the store?

A. I would say about five minutes.

Q. Okay. And how long did you sit at the store before y'all pulled on around on to Carrollton Street?

A. We didn't sit no time. We didn't sit no time.

Q. All right, now who carried you down to there to pay on your bill?

A. Roy Harris.

Q. Is he a relative, friend, or--

Clemmie Fleming - DIRECT

1 A. A friend.

2 Q. Okay. Now after you made the round that you have
3 described and you saw him crossing the highway, so that the
4 jury will understand where, is there any kind of businesses
5 in the area where he crossed the highway?

6 A. Jeff's store.

7 Q. Jeff's store?

8 A. Yes, sir.

9 BY MR. EVANS: Your Honor, I will tender the
10 witness. Wait one second.

11 (State's Counsel confer.)

12 BY MR. EVANS:

13 Q. Yeah. Ms. Fleming, I want to show you Exhibit 5A
14 and ask if you can tell what this is?

15 A. It's the one, that's the side of the turn road that
16 I seen him on beside Tardy's.

17 Q. That's the same road you saw him on. Do you see
18 the approximate area on this picture that you first saw him?

19 A. Yes, sir. Where that car is.

20 Q. About where the car is at?

21 A. Uh-hum.

22 (Exhibit shown to Counsel opposite.)

23 Q. Ms. Fleming, I want to hand you Exhibit S-5A back,
24 and I will ask you to just put a red "X" about the place he
25 was when you first saw him?

26 A. (Witness marks on Exhibit S-5A.)

27 Q. All right, if you would darken that just a little
28 bit because it doesn't show up real well on there.

29 A. (Witness complies.)

Clemmie Fleming - DIRECT - CROSS

1 Q. Okay, thank you. And at the time you saw him at
2 that location, what was he doing?

3 A. Running.

4 BY MR. EVANS: Tender the witness, Your Honor.

5 BY MR. CARTER: One moment.

6 CROSS-EXAMINATION BY MR. CARTER:

7 Q. Ms. Fleming, had you seen that picture before?

8 A. No, sir.

9 Q. Do you recognize that car back there?

10 A. No, sir.

11 Q. How do you know that is 97 feet back there?

12 A. Mr. John Johnson took me around there and did the
13 steps.

14 Q. And you can look at this, this picture and say it's
15 97 feet from Tardy's to where that car is?

16 A. Well, he took me down there and did the steps.

17 Q. Now isn't it a fact that you don't really know how
18 far, how many steps from Tardy's that this vehicle is
19 located?

20 A. Well.

21 Q. Aren't you guessing?

22 A. Yes, sir.

23 Q. Ms. Fleming, did you all stop at Tardy's?

24 A. Yes, sir.

25 Q. How many months pregnant were you?

26 A. Five and a half.

27 Q. And you asked Mr. uh.

28 A. Roy.

29 Q. Roy to take you down there?

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1 A. Yeah.

2 Q. How were you feeling when you asked Mr. Roy to take
3 you down there?

4 A. I didn't feel good, but I just wanted her to stop
5 calling me.

6 Q. Okay, so you went down there to pay it?

7 A. Uh-hum.

8 Q. How did you feel when you got there right there in
9 front of Ms. Tardy's store?

10 A. I didn't feel good. I didn't feel like getting
11 out, so I didn't.

12 Q. You didn't feel good either time?

13 A. Uh-uh.

14 Q. You didn't feel good when you left; is that
15 correct?

16 A. No.

17 Q. And you didn't feel good when you got to the store?

18 A. (No response.)

19 Q. And you asked Mr. Roy to go in and pay it for you?

20 A. Yeah.

21 Q. Now this is the first time that you are saying
22 this? Is that correct?

23 A. I asked him. I asked him to go in for me, and he
24 didn't want to go in. So I went for my-- I was going to go
25 in myself.

26 Q. Okay, did you tell John Johnson that you asked
27 Mr. Roy to go in?

28 A. I don't know if I told him or not.

29 Q. Okay. Now you did talk to John Johnson, didn't

Clemmie Fleming - CROSS

1 you?

2 A. Yes.

3 Q. Who else did you talk to with the police department
4 or the DA's Office?

5 A. A lot. Like two more men. I don't know.

6 Q. Did you talk to Mr. Evans?

7 A. Yes, sir.

8 Q. Now isn't it a fact that you didn't give a
9 statement about this until April 11, 1997?

10 A. Yes.

11 Q. And that is seven or eight months later; is that
12 correct?

13 A. Yes, sir.

14 Q. Did you know about a reward by that time?

15 A. No, sir.

16 Q. You hadn't seen it in the paper?

17 A. It just doesn't-- I didn't pay it, I didn't pay, I
18 didn't pay that stuff no attention. I had told a girl that I
19 was working with, and she told them. And I told her not to
20 tell, and then she told it anyway. That's how I ended up in
21 court telling you.

22 Q. Okay, did you tell John Johnson that?

23 A. No.

24 Q. What you just said.

25 A. She said she had a friend she wanted me to talk to.

26 Q. Did you tell John Johnson what you are telling the
27 Court?

28 A. Yes, sir.

29 Q. Are you sure of that? So that should be in your

Clemmie Fleming - CROSS

1 statement; is that correct?

2 A. Yes, sir.

3 Q. Was your statement taped?

4 A. Yes, sir.

5 Q. Okay, did you sign anything?

6 A. No, sir.

7 Q. What was that other lady's name again?

8 A. Wanda Meeks.

9 Q. So you was behind on your bill; you were getting
10 calls. You didn't really feel like it or feel good, but you
11 decided to hire somebody, and you did hire Mr. Harris; is
12 that correct?

13 A. Yes, sir.

14 Q. To take you to Tardy's. You got to Tardy's. You
15 parked there momentarily; is that correct?

16 A. Yes, sir.

17 Q. How long were you there?

18 A. Like, we wasn't there long.

19 Q. How long were you there?

20 A. Like a few seconds, then we left.

21 Q. Few seconds. Did you say Mr. Harris, "Wait; give
22 me a moment to see if I feel any better"?

23 A. No, sir.

24 Q. So you did -- you weren't able to, you didn't feel
25 like you were able to walk into the store and pay the bill;
26 is that correct?

27 A. I didn't, I didn't feel good. I feel sick at the
28 stomach.

29 Q. Feel sick at your stomach. So where did Mr. Harris

Clemmie Fleming - CROSS

1 take you after that?

2 A. My sister's house.

3 Q. Okay, and you got out at your sister's house and
4 went inside, didn't you?

5 A. Uh-hum.

6 Q. And you stayed over there, and you talked to your
7 sisters, didn't you?

8 A. Uh-hum.

9 Q. How many sisters did you see?

10 A. Two.

11 Q. How long did you stay there?

12 A. Not that long.

13 Q. How long is not that long?

14 A. I don't know. Maybe five or ten minutes. I don't
15 know.

16 Q. Then you-- and did you ask anybody to take you back
17 to Tardy's so you could pay your bill?

18 A. I went home and went to sleep.

19 Q. Did you ever pay that bill?

20 A. My brother supposed to have been paying it off.

21 Q. Did you ever pay--

22 A. -- no.

23 Q. Did you go to the doctor since you wasn't feeling
24 well?

25 A. No.

26 Q. You didn't need to go, did you?

27 A. Not just being pregnant, not go to no doctor for
28 being pregnant and I know why I'm sick.

29 Q. Okay, did you ask your sisters for any medicine?

Clemmie Fleming - CROSS

1 A. No.

2 Q. Did you even tell your sisters you were too sick to
3 go into Tardy's?

4 A. Uh-uh.

5 Q. What is your sister's name?

6 A. Mary Fleming.

7 Q. What is the other one's name?

8 A. Neechie Fleming.

9 Q. So Mr. Harris told you he wasn't walking in the
10 store and paying the bill for you; is that what you are
11 telling the Court?

12 A. He told me to go in there and pay it myself.

13 Q. How many times did you ask him to go do it for you?

14 A. Once.

15 Q. Did you offer him money to go in the store--

16 A. -- I gave him.

17 Q. --and pay it for you?

18 A. No, sir.

19 Q. But you paid him to take you down there; is that
20 correct?

21 A. Yes, sir.

22 Q. Was he reluctant to take you down to the store?

23 A. He didn't mind.

24 Q. He wouldn't have minded going in there paying the
25 bill either, would he?

26 A. He didn't go.

27 Q. Was he mean or obstinate when he said no?

28 A. He just said he wasn't going in there. We wanted
29 me to go for myself.

Clemmie Fleming - CROSS

1 Q. Did you ask him to hold on a minute; let me see if
2 I feel like walking later?

3 A. No.

4 Q. Now isn't it a fact that you could have -- and
5 clarify this for me. I don't want to be wrong. Had you
6 desired -- one moment.

7 (Defense Counsel confer.)

8 Q. Isn't it a fact that had you desired so, that you
9 could have, that you were physically able to walk in that
10 store and pay that bill?

11 A. Yes, sir.

12 Q. What did Mr. Flowers have on when you allegedly saw
13 him running?

14 A. I didn't pay no attention to what he had on. I
15 just knew that was him. I seen his face. I know him when I
16 see him.

17 Q. Okay, you didn't notice any clothing at all?

18 A. I don't pay no attention to nobody's clothes.

19 Q. So you saw a person running. But you didn't pay
20 any attention to the clothing?

21 A. No, sir.

22 Q. Now what about Mr. Flowers, what about that person
23 running that indicated to you that he was running like
24 somebody was after him?

25 A. Because of the way he was running like if somebody
26 was behind him or something. I don't know.

27 Q. Okay, what did he do? Did you see him look around?

28 A. No.

29 Q. So he wasn't running looking back from side to

Clemmie Fleming - CROSS

1 side; is that correct?

2 A. No, sir.

3 Q. Did you see a weapon or anything?

4 A. No, sir.

5 Q. Could you tell us, could you clarify for me since
6 you believe he was running like somebody was after him, what
7 was it about his behavior other than the fact that he was
8 running that made you think somebody was after him, or he was
9 acting like somebody was after him?

10 A. That's all. He was just running.

11 Q. And you said he was running from-- how do you know
12 he was running from Tardy's?

13 A. I didn't say he was running from Tardy's. I said
14 he was running from that direction.

15 Q. But he was also running from the direction of the
16 cleaners there. Wasn't there a cleaners there?

17 A. Uh-hum.

18 Q. There was a Coast to Coast there; right?

19 A. Right.

20 Q. A Weed Brothers?

21 A. Uh-hum.

22 Q. There is a lot of things downtown, banks, various
23 other places; is that correct?

24 A. Yes, sir.

25 Q. So you really don't know where he was running from,
26 do you?

27 A. No.

28 Q. And you never saw him go towards Tardy's; is that
29 correct?

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1 A. No, sir.

2 Q. You never saw him on Tardy's property; is that
3 correct?

4 A. No, sir.

5 Q. Now this thing about asking Roy Harris to go in the
6 store and pay your bill; I hope I haven't asked this before.
7 I apologize if I did. I don't remember. Do you remember
8 telling any of the investigators that you asked Mr. Harris to
9 go in and pay the bill for you and he rejected? He objected,
10 said no?

11 A. I don't know.

12 Q. When you saw this person running, do you know if
13 you were the only person who saw him running?

14 A. Roy seen him.

15 Q. How do you know?

16 A. Because he looked at him too.

17 Q. So you were watching the person running, and then
18 you was watching Mr. Harris too, and you saw Mr. Harris
19 watching him?

20 A. Roy looked. He slowed up.

21 Q. Okay, what side -- I'm trying to be clear. When
22 you saw this person running on Carrollton, you all were on
23 Carrollton going toward Church; is that correct?

24 A. Yes, sir.

25 Q. Was this person in front of you or behind you?

26 A. He was in front. We were passing by, and he was in
27 front of us, and then we passed on by him.

28 Q. Was he on the left side of you or the right side?

29 A. On the left.

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1 Q. So you had to look -- he was on Mr. Harris' side?

2 A. Yes, sir.

3 Q. Had he gotten completely to Church by the time you
4 saw him?

5 A. No, sir.

6 Q. And you all left at that point, and you turned on
7 Church; is that correct?

8 A. Yes, sir.

9 Q. You turned left. Where did you go after Church?

10 A. Up Powell, up the, straight up and then got on
11 Powell.

12 Q. Make a right on Powell?

13 A. Yes, sir.

14 Q. And Powell will take you to 51; is that correct?

15 A. Yes, sir.

16 Q. And by the time you got to 51, you saw this person
17 running again?

18 A. Yes, sir.

19 Q. So this person outran the truck and got to 51 by
20 the time you got there?

21 A. Well, I seen him again. I seen him on the side
22 like coming across the highway.

23 Q. Now which way did this person run? Did you see
24 this person running turn on Church? This person didn't run
25 up Church, did they?

26 A. No, sir.

27 Q. And did they run-- you didn't see them running down
28 Powell, did you?

29 A. No, sir.

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1 Q. But this person was running so fast that they
2 apparently outran the truck and was at Powell by the time you
3 got there; is that correct?

4 A. Well.

5 Q. By the time you got to 51; I'm sorry. I'm not
6 trying to confuse you. I promise.

7 A. Yes, sir.

8 Q. Now Mr. Harris didn't stop anywhere, did he?

9 A. Uh-uh.

10 Q. Do you know if this person had on a cap or not?

11 A. No, sir.

12 Q. So this person, when you saw this person about 51,
13 this person was still running wide open?

14 A. They were running.

15 Q. Was they running faster, slower or about the same
16 as when you saw him on Carrollton?

17 A. Well, I could just tell that they were running.

18 Q. Now I believe you said earlier -- correct me if I'm
19 wrong -- that when you saw them first, they were running wide
20 open like somebody was after them; is that correct?

21 A. Yes, sir.

22 Q. But by the time you got to Powell, you saw the
23 person running, but you are not sure whether they were
24 running wide open at that point or like somebody was after
25 them; is that correct?

26 A. Yes, sir.

27 Q. Do you know a Stacy Wright?

28 A. Yes, sir.

29 Q. Do you know Latarsha Blissett?

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1 A. Yes, sir.

2 Q. Do you owe Tardy's money now?

3 A. No, sir.

4 Q. If you never paid that bill, how is it that you
5 don't owe any money?

6 A. Because my brother supposed to have been paying it
7 off.

8 Q. Supposed to have been or did?

9 A. I don't know if he did or not. We ain't never talk
10 about it no more.

11 Q. Okay, and you haven't been hounded by Tardy's
12 Furniture store any more about coming to pay it either, have
13 you?

14 A. No, sir.

15 Q. Now was that furniture ever taken from you?

16 A. I gave it to my sister.

17 Q. But you were, in fact, told when you were sent
18 letters and called that if you didn't come pay it, it was
19 going to be taken, wasn't you? Weren't you told that?

20 A. Yes, sir.

21 Q. Latarsha Blissett is your friend; right?

22 A. My cousin.

23 Q. Your cousin. Stacy Wright is your friend; right?

24 A. My cousin.

25 Q. Your cousins. Aren't they also your friends?

26 A. Yes, sir.

27 Q. Now when you went down to Tardy's, what time was
28 it?

29 A. Like going on 10:00.

Clemmie Fleming - CROSS

1 Q. Going on 10:00. You didn't see any police cars at
2 that time; right?

3 A. No, sir.

4 Q. You didn't hear any sirens?

5 A. No.

6 Q. Were there any cars parked at Tardy's besides you
7 and Mr. Harris?

8 A. It was some cars parked.

9 Q. Was anybody in the store?

10 A. I don't know. I ain't never got out and went in.

11 Q. Okay. Did the store look like it was open?

12 A. Yes, sir.

13 Q. You had got called that morning to come down there,
14 didn't you, or did you get called that--

15 A. -- that night.

16 Q. That night. One moment. I think I'm finished.

17 (Defense Counsel confer.)

18 Q. Ms. Fleming.

19 A. Yes.

20 Q. When you went to your sister Mary's house, did you
21 tell Mary that you saw somebody running from Tardy's or
22 running in that area?

23 A. I told her a couple of days later. I didn't tell
24 her the same day.

25 Q. You didn't tell her the same day?

26 A. No, sir.

27 BY MR. CARTER: Now that's all. We tender.

28 REDIRECT EXAMINATION BY MR. EVANS:

29 Q. Ms. Fleming, the 90 feet from Tardy's that you say

Clemmie Fleming - REDIRECT

1 the Defendant was when you first saw him running, who made
2 that measurement?

3 A. Me and Mr. John Johnson.

4 Q. Were you present when he measured where you said
5 you saw him?

6 A. Yes, sir.

7 Q. And when you first told Wanda Meeks that you saw
8 him, Curtis Flowers running from Tardy's, when did you tell
9 her?

10 A. I told her -- we was at work, and we was on our
11 lunch break. And I was telling her about it, and I told her,
12 don't say nothing. And she said she had friends she wanted
13 to talk, that wanted to talk to me about it.

14 Q. Why did you ask her not to tell anybody that you
15 saw Curtis?

16 A. Because I wasn't going to say nothing.

17 Q. You didn't want to get involved?

18 A. Yes, sir.

19 Q. Now what direction did y'all go once you turned off
20 of Carrollton?

21 A. Like straight up and then we went on Powell.

22 Q. Went on Powell. Which direction did you go then?

23 A. Went on down to the highway.

24 Q. Down to where?

25 A. To the highway. To 51 and came up.

26 BY MR. CARTER: I couldn't hear her.

27 BY THE COURT: Speak up, Ms. Fleming.

28 BY THE WITNESS:

29 A. 51. On 51. We went on 51.

Clemmie Fleming - REDIRECT

1 Q. Okay, and then you came back up the highway towards
2 Jeff's store?

3 A. Yes, sir.

4 Q. Now so you didn't go straight from where you saw
5 him to the highway; is that correct?

6 A. No, sir.

7 Q. You were coming back up the highway when you saw
8 him running across the highway?

9 A. Yes, sir.

10 Q. So he didn't have to outrun the vehicle, did he?

11 A. No, sir.

12 Q. Now there has been a lot of discussion about how he
13 was running. When you first saw him running there behind
14 Tardy's store, was he jogging, running wide open, or what was
15 he doing?

16 A. I guess he was running wide open.

17 Q. Do you know how much your brother has paid on your
18 furniture bill?

19 A. No, sir.

20 Q. Now you have been asked about Latarsha Blissett and
21 Stacy Wright. Do you know if either one of them have
22 connections with the Defendant?

23 A. Yes, sir.

24 Q. What are their connections to the Defendant?

25 A. Tarsha go with his cousin.

26 Q. Is this Defendant the person you saw running behind
27 Tardy's?

28 A. Yes, sir.

29 BY MR. EVANS: Nothing further, Your Honor.

Patricia Sullivan - DIRECT

1 BY THE COURT: Is she finally excused?

2 BY MR. EVANS: Yes, sir.

3 BY THE COURT: Mr. Fleming, you are free to go.

4 WITNESS EXCUSED.

5 BY MR. EVANS: Patricia Hallmon.

6 BY THE COURT: Has she been sworn?

7 BY MR. EVANS: No, sir. She wasn't here.

8 (While waiting on the witness to enter the
9 courtroom, a Sheriff's Deputy confers with Mr. Evans.)

10 BY MR. EVANS: Your Honor, he is asking about the
11 last two witnesses being excused. The State has
12 released them, but before I tell him to let them go, I
13 need to make sure that the Defense doesn't want to
14 keep them.

15 BY MR. DE GRUY: They can be released.

16 BY THE COURT: Okay.

17 PATRICIA HALLMON SULLIVAN,
18 a black female called to testify as a witness by the State of
19 Mississippi, having first been duly sworn, testified as
20 follows, to-wit:

21 BY THE COURT: Have a seat up here, ma'am. State
22 your name.

23 BY THE WITNESS: Patricia Sullivan.

24 BY MR. EVANS: May I proceed, Your Honor?

25 BY THE COURT: Yes.

26 DIRECT EXAMINATION BY MR. EVANS:

27 Q. All right, Ms. Sullivan, directing your attention
28 back to July the 16th, 1996, were you Patricia Hallmon at
29 that time?